
FORUM 2006 DISCIPLINE CASES WITH COMMENTS

ABNER

Abner is an 8th grader with a learning disability in reading, and a history of AD/HD and impulsive behaviors who seeks peer approval. He has had difficulty throughout childhood in keeping friends. Previous episodes of impulsivity have primarily centered around blurting out, swearing when asked to do difficult work, making inappropriate remarks to peers and teachers, such as: "Boy, you should go on a diet!" "That was a really bad lesson Ms. Wright!" He does not instigate problems, but "goes along with" others which has been increasingly getting him in trouble this year. For example, he was involved in a peer group activity that resulted in bullying two smaller, younger classmates recently. He was apprehended with a small lunch bag of Marijuana and is up for expulsion.

☐ needs a FAA for serious behavior? (Ca. Ed. Code)

☐ needs an FBA? ☐ needs a MD?

See attached FBA of this behavior; finish the MD for Abner's drug possession

Diana Browning Wright's Comments:

He requires an FBA (suspension or expulsion beyond 10 days) and a MD (we are contemplating an involuntary placement change). He does NOT require an FAA (the behavior is not assaultive, self-injurious, serious property damage or other pervasive maladaptive behavior).

Abner's behavior demonstrated lack of forethought and planning, which in addition to impulsivity are frequently seen in students with ADHD. In considering the disability, we must consider both the learning disability in reading AND the AD/HD characteristics. We have no evidence that the IEP was inappropriate and a behavior plan to address bringing drugs to school was not previously warranted. Abner's expulsion depends on our reasoning about the effects of his AD/HD. A retrospective analysis of the severity of his lack of forethought and planning and impulsivity will be the key to the team's decision.

BRIAN

Brian is a 10th grader who has been telling peers he wants to die for approximately three days before the "incident." This was reported to the counselor yesterday. Before the counselor could see Brian, he brought a gun to school and showed the top portion to his peers while standing by his locker. He told his peers he was sick and tired of being pushed around by everyone, that no one cared about him, and he planned to kill himself and Mr. Brown, the school principal at morning break. The peers immediately told the counselor. Brian gave the paint gun (stolen from a local paint gun activity center) to the counselor who had called him out of class fifteen minutes before morning break. Brian readily retrieved the gun from his locker, claimed he really didn't plan to harm anyone; he just wanted people to realize how unhappy he was with life. He also described extensive bullying. Brian is up for expulsion.

First, discuss relevant law THEN discuss Brian's needs

☐ needs a FAA for serious behavior? (Ca. Ed. Code)

☐ needs an FBA ? ☐ needs a MD?

Discuss functional assessment and MD with your team using your forms

Diana Browning Wright's Comments:

If Brian is a student with an IEP, he requires an FBA and MD for the same reason Abner (above) needed them. If he does not have an IEP, we must consider whether there is evidence of a "suspected disability." If we discover there IS, then an assessment to determine eligibility should occur, and thus retroactive protections apply. (Chances are he does NOT have a qualifying disability, but the question should be asked.) If eligibility for emotional disturbance is met, then the depression associated with his behavior likely rises to the level of a direct and substantial impact, and thus the behavior IS a manifestation of the disability and no expulsion can be recommended.

Bringing the gun to school is not under the Ca. Ed. Code definition of serious behavior requiring FAA (If however, he had injured someone with the gun, then "assault" should be considered as potentially requiring an FAA. Even in that scenario, the team could determine it was a one-time event, not requiring an FAA. No "emergency intervention" was used because he immediately gave the gun to the counselor upon verbal request.

The disciplinary process is not the sole focus of this case. Brian does demonstrate depression and the school team should determine if a referral should occur to provide services for him, regardless of the disciplinary process. Brian also needs a school team skilled in threat assessment to make recommendations as to whether he does pose a threat, and about interventions he may require. Simply moving Brian to an alternate placement, such as an alternate high school, without threat assessment, behavior support planning to prevent further incidents and monitoring of interventions could impact both school safety and the safety of this student. (See www.pent.ca.gov/threat and Guidelines for Responding to Student Threats of Violence - www.sopriswest.com)

CARLEY

Carley is a 6th grader with high functioning autism who is also suspected of bipolar disorder. Her behavior is often quite rigid and she becomes very upset if her verbal descriptions about butterflies are interrupted or she is asked to transition to a location she does not anticipate. She is currently served 80% of her day in general education. Carley became very upset with her math teacher who harshly requested her to "STOP!" and get ready for a surprise assembly. Carley began running wildly around the room, throwing over desks. Although she has demonstrated running before, this time she began slapping peers, and eventually was restrained. Three adults were kicked and slapped in the process, with bruising on one adult who has taken a disability leave. She has been suspended for three days, pending further discipline. This will be her 13th day of suspension this year. Her general education teacher has gone out on stress leave and refuses to return if Carley is in the class. The school wants to either expel her, or recommend an involuntary placement change to a more restrictive setting. The team feels the parents are not likely to agree.

First, discuss relevant law THEN discuss Carley's needs

☐ **needs a FAA for serious behavior? (Ca. Ed. Code)**

☐ **needs an FBA ? ☐ needs a MD?**

Discuss functional assessment and MD with your team using your forms

Diana Browning Wright Comments:

Carley demonstrates behavior directly and substantially related to her disability and thus can not be expelled. She requires a functional assessment of her behavior, regardless of the team's decision to pursue expulsion. Carley's behavior is serious, in that it was assaultive in this incident. Additionally, it could be termed "other pervasive maladaptive behavior." Both reasons warrant full FAA. The impact of medication and disability must be fully explored, the history of previous supports determined, and careful data collection about current behavior as well as well articulated data collection during the plan. That is what FAA and PBIP is all about.